

ROUTING AND TRANSMITTAL SLIP

TO: (Name, office symbol, room number, building, Agency/Post)	Initials	Date
1. <i>EO/DOA</i>	<i>AK</i>	<i>4/11</i>
2. <i>A/DDA</i>	<i>R</i>	5 NOV 1982
3. <i>DDA</i>	<i>ST</i>	5 NOV 1982
4. <i>D/OIS</i>		
5.		

Action	File	Note and Return
Approval	For Clearance	Per Conversation
As Requested	For Correction	Prepare Reply
Circulate	For Your Information	See Me
Comment	Investigate	Signature
Coordination	Justify	



*Please see the
EXDIR's note to me.
After his comments are
added let's publish the
reg.*



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FROM: (Name, org. symbol, Agency/Post)	Room No.—Bldg.
	Phone No.

5041-102

OPTIONAL FORM 41 (Rev. 7-76)
Prescribed by GSA
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* GPO : 1981 O - 341-529 (120)

*to subj.**1-2*

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Central Intelligence Agency
Washington, D.C. 20505

DD/A Register

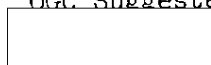
82-2666/1

3 November 1982

Executive Director

NOTE FOR: DDA

SUBJECT: OGC Suggested Additions to



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- Of the three suggested additions, I told [] I would compromise and accept the one he numbered "e. Expense Reimbursements, (1) . . . accept . . . reimbursement . . . for actual expenses . . . by . . . a tax-exempt organization . . ."

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- I also said I wanted to add a sentence, or otherwise ensure, that honorarium receipt is prohibited.

- I said that I could not buy his paras (2) or (3).



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CENTRAL INTELLIGENCE AGENCY

WASHINGTON, D.C. 20505

DD/A Registry

82-2660

General Counsel

25 October 1982

NOTE FOR: Executive Director

RE: Reimbursement of Expenses of
Agency Employees

Attached is the proposed rule I mentioned was on its way. If you have any questions, please call me. In essence it would leave intact, but would add a new subsection (e) to deal with the question of expense reimbursement. Such a provision is necessary for the Agency's professionals who are required to attend conferences and meetings in order to retain their professional qualifications and to help train others to retain theirs. In either event, in my view it is the Agency that ultimately benefits. This is particularly true for lawyers and accountants who are faced with continuing professional education requirements.

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The rule proposal would permit our people to obtain the reimbursement where it is customary for others to do so. The rule we propose is presently in place at the SEC and has proven to be workable.

Stanley Sporkin

Attachment

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OGC 82-09425
19 October 1982

MEMORANDUM FOR: Stanley Sporkin
General Counsel

FROM:

Assistant General Counsel

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SUBJECT: Reimbursement of Expenses of Agency Employees

1. In response to your request, I have reviewed the law governing receipt of reimbursements by Agency employees of travel and subsistence expenses from private organizations. Based on this review, I have attached a proposed new section which would amend to authorize such reimbursements in certain cases where employees are invited to speak before private organizations.

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2. Subparagraph (1) of the proposed new section would authorize the receipt of reimbursements by Agency employees of transportation, lodging, and food expenses from qualified tax-exempt educational or professional groups of the type described in 26 U.S.C. 501(c)(3). Receipt of reimbursements from such groups is excepted from the criminal conflict of interest provisions of 18 U.S.C. 209 when such reimbursements are incident to attendance at meetings which the employee is attending while on official duty status.

3. Subparagraph (2) would authorize the receipt of reimbursements by Agency employees of such travel and subsistence expenses from any private organization when no conflict of interest exists and the employee is in an off-duty status. Off-duty status is accomplished if annual or administrative leave is taken by the employee while attending the meeting.

4. Subparagraph (3) would authorize the granting of administrative leave by senior Agency officials when it is in the interests of the Agency for the employee to speak to a particular group regarding his field of expertise. The granting of administrative leave in such cases is supported by Agency regulations, which describe administrative leave as an excused absence from duty without loss of

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pay or charge to leave. In fact, subparagraph 10e of  expressly provides that: "An employee may be excused to attend a conference or convention when attendance is determined to be in the interest of the Agency." Thus, it would appear that the granting of administrative leave in such circumstances is already contemplated.

5. It is my understanding that the receipt of reimbursements as outlined above is permitted in other parts of the federal government, therefore, the Agency would not be alone in adopting such a policy.

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Attachment: As stated.

e. Expense Reimbursements

(1) Notwithstanding any other provision of this regulation, speakers may, pursuant to 5 U.S.C. 4111, while on official duty status, accept bona fide reimbursement for actual expenses for travel or necessary subsistence incident to attendance at meetings from a person determined by the Secretary of the Treasury to be a tax-exempt organization of the type described in 26 U.S.C. 501(c)(3), provided, however, that no Government payment or reimbursement is made for the expense so reimbursed, and provided further that the speaker is not reimbursed, nor payment made on his or her behalf, for those personal living benefits, which are unreasonable or lavish.

(2) Consistent with the law governing conflicts of interest, speakers appropriately on either administrative leave or annual leave may accept bona fide reimbursement for actual expenses personally incurred for travel or necessary subsistence from persons in addition to organizations described in subparagraph (1) above, provided that the speaker is not reimbursed, nor payment made on his or her behalf, for those personal living expenses, gifts, entertainment or other personal benefits, which are unreasonable or lavish.

(3) In instances in which an Agency employee has an expertise in a particular area, and it is in the interests of the Agency for such employee to participate in a particular program, the appropriate Operating Official or Head of Independent Office may approve administrative leave for such appearance for themselves or their subordinates.